IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 5TH FEBRUARY 2007 / 16TH MAGHA 1928

Crl.MC.No. 283 of 2007()

LP.174/1999 of CHIEF JUDL.MAGISTRATE, ERNAKULAM

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PETITIONER: ACCUSED:

GEETHANJALI NAIR,
W/O. VISHWANATHAN NAIR, NAGARIYIL THODIYOOR P.O.,
KARUNAGAPPALLY.

BY ADV. SRI.S.M.ALTHAF

RESPONDENTS: COMPLAINANTS:

STATE OF KERALA,
REPRESENTED BY S.I. OF POLICE, CENTRAL POLICE
STATION, ERNAKULAM THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY P.P. SRI.S.U. NAZAR.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 283 OF 2007

Dated this the 5th day of February, 2007

ORDER

The petitioner – a woman, faces the allegations, inter alia, under Sec.420 read with Sec.34 of the IPC. The case has been registered as C.C.No.264/95 before the learned Chief Judicial Magistrate, Ernakulam. The petitioner has not appeared before the learned Magistrate so far. According to her, she had no information whatsoever against the pendency of the said case. That case is now transferred to the list of Long Pending Cases as L.P.No.174/99. The petitioner now wants to surrender before the learned Magistrate. The petitioner apprehends that if she surrenders before the learned Magistrate and applies for bail, the learned Magistrate may not consider her application for bail on merits, in accordance with law and expeditiously. It is, in these circumstances, that the petitioner has come to this Court for a direction to the learned Magistrate to release her on bail when she appears before the learned Magistrate.

2. It is for the petitioner to appear before the learned

Magistrate and explain to the learned Magistrate the circumstances under which she could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the petitioner's application for regular bail on merits in accordance with law and expeditiously. No special or specific directions appear to be necessary. Every court must do the same. Sufficient general directions on this aspect have already been issued in the decision reported in **Alice George v. Deputy Superintendent of Police** (2003 (1) KLT 339).

3. In the result, this Crl.M.C. is dismissed; but with the observation that if the petitioner surrenders before the learned Magistrate and seeks bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously – on the date of surrender itself, unless compelling and exceptional reasons are there.

SD/-

(R. BASANT, JUDGE)

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//true copy// P.S. To Judge